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(PHALGUNA 29, SAKA ERA 1888).

No. 71

LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

ORDER

Bangalore, dated the 18th March 1967.

S. O. 484.—WHEREAS in the Notice No. PLM CAD 63, dated the 1st March 1966, issued to the President, Town Municipal Council, Sirsi, North Kanara District, under the proviso to sub-section (1) of Section 316 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964), the said Sirsi Town Municipal Council was asked to show cause why it should not be superseded;

WHEREAS the President has challenged the validity of the Show Cause Notice issued to the Municipal Council on the ground that the notice which should have been issued to the Municipal Council, has been issued to the Municipal President, and thus the Municipal Council has not been given an opportunity to put in its objection to the proposed supersession. But the President has also placed the Show Cause Notice before the Council and furnished his replies to the notice as agreed to by the Municipal Council. Government have considered this point also;

WHEREAS on account of sharp party factions prevailing in the Municipality, the Municipal Council has failed to carry on the administration satisfactorily and the Government is of the opinion that the Municipal Council, Sirsi is not competent to perform and is persistently making defaults in the performance of the duties imposed on it by the Mysore Municipalities Act, 1964;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 316 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby declares for the reasons specified in the statement of reasons appended hereto that the Sirsi Town Municipal Council is not competent to perform and is in default in performing the duties imposed on it under the Mysore Municipalities Act, 1964, and orders that the said Municipal Council be and is hereby superseded for a period of one year commencing on the 20th March 1967 and further directs that on the said 20th March 1967 all the Councillors of the said Municipal Council shall vacate their office as such Councillors without prejudice to their election under sub-section (4) of the said Section 316.

ANNEXURE

Statement of Reasons for the Order of Supersession

(1) The Municipal Council has failed to recover an amount of Rs. 56,974 which was in arrears at the end of 1964-65. Though instructions were issued in Divisional Commissioner's inspection notes dated 25th April 1965 to recover the arrears immediately, an amount of Rs. 11,175 only was recovered by the Municipal Council till 8th October 1965.

(2) The Mysore Health Cess Act, 1962, has come into force from 1st April 1963. According to Sections 3 and 4 of the Act, the Municipality is required to collect the

Health Cess at the rate of 9 paise in the rupee on the taxes specified therein and to credit the same to Government as and when collected. The Municipality failed to get the demand registers completed for the years 1952-63 to 1961-65 though instructions were issued to the Municipal Council under the Divisional Commissioner's letter No. GB/MUN. 133/63-64, dated 21st November 1963. The Municipality was also instructed to credit the amount of Health Cess collected to Government at least twice a week, if not daily. But the Municipality credited an amount of Rs. 1,980-77 only out of the total collection of Rs. 14,138-84 as under, disregarding the instructions of the Divisional Commissioner.

	Rs. P.
23-12-1963	1,051-14
30-12-1963	324-17
9-1-1964	198-41
9-1-1964	407-05
Total	1,980-77

(3) The Municipal Council has made persistent default in paying Primary Education Contribution to the District School Board from 1960-61 onwards and the Deputy Commissioner had to take action to recover the sum of Rs. 25,000 from the Government grants payable to the Municipality and adjust the same against the P. E. Contribution. According to the Divisional Commissioner's report dated 23th July 1966 the Municipal Council has still to pay the arrears of Rs. 9,000 towards P. E. Contribution.

(4) The Municipal Council has failed to provide adequate number of public latrines and urinals. As against 315 seats of public latrines prescribed in the Public Health Manual there are only 12 seats existing in the Municipality. As against 106 dustbins prescribed in the Manual, only 82 dustbins have been provided by the Municipal Council.

(5) The Municipality has failed to appoint a qualified sanitary inspector and has not paid adequate attention to the maintenance of proper sanitation in the town.

(6) The Municipality has failed to prepare compost manure from 1962-63 onwards resulting in loss to the Municipal Council.

(7) The Municipality has failed to comply with the provisions of the Prevention of Food Adulteration Act, 1954 and the Rules made thereunder, though the Mysore Prevention of Food Adulteration Rules, 1960 came into force on 1st August 1960. The following statistics prove the failure of the Municipal Council :

Year	No. of Samples sent for analysis.	No. of samples found adulterated.	No. of samples convicted.	Fine levied.
1960-61	24	10	10	95
1961-62	—	—	—	—
1962-63	5	2	2	25
1963-64	—	—	—	—
1964-65	—	—	—	—

(8) The Municipal Council has failed to provide a Slaughter House for slaughtering of animals though it is an obligatory duty of the Municipal Council.

(9) The Municipal Council has failed to implement the suggestions contained in the master plan even after a lapse of 9 years; and in spite of the suggestions of the Inspecting Officer from time to time.

(10) The Municipal Council has failed to remove or regularise 130 encroachments.

(11) The Municipal Council failed to provide street lights on Sirsi-Andgi Road and Ramanbail. It is reported by the President of the Municipality that the areas have since been provided with street lights.

(12) The Municipal Council failed to notify the vacancies to the Employment Exchange while filling in the posts of Overseer and Sub-Overseer.

(13) In connection with the implementation of the master plan, the President of the Municipality has stated that the Municipal Council is not in a position to implement the plan for the present with its finance. Though the Municipal Council is not in a sound financial position to implement such necessary schemes, it has failed to improve its financial position by raising the existing taxes. For instance, it has failed to revise the Market Fees fixed in 1931.

(14) The Municipal Council has committed default in carrying out the suggestions made in the Audit Notes and Inspection Notes. It is reported that some of the Audit Objections from 1948-49 to 1961-62 are still pending.

In general, the Municipal Council has grossly failed to act and function in the discharge of its obligatory duties.

[No. PLM 53 CAD 63.]

By Order and in the name of the Governor of Mysore,

N. S. RAMACHANDRA,

Secretary to Government,
Labour and Municipal Administration Department.

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